



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

February 28, 2008

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Quesinberry at 6:30 p.m. at City Hall, 251 West Plant Street, Winter Garden, Florida. The invocation and Pledge of Allegiance were given.

Present: Mayor John Rees, Former Mayor Jack Quesinberry, Commissioners Harold L. Boulter, Bob Buchanan, H. Gerald Jowers, and Colin Sharman

Also Present: City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Kathy Golden, Assistant City Manager Marshall Robertson, City Planner Ed Williams, Public Services Director Don Cochran, Fire Chief John Williamson, Police Chief George Brennan, Finance Director Brian Strobeck, Human Resources Director Frank Gilbert, Information Technology Director Bob Reilly, Recreation Director Jay Conn, Economic Development Director Dolores Key, Assistant City Engineer Mike Kelley, Executive Assistant to the City Manager Andrea Vaughn, and West Orange Times reporter Michael Laval.

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve the regular meeting minutes of February 14, 2008 as submitted. Seconded by Commissioner Jowers and carried unanimously 5-0.

2. **CEREMONIAL MATTERS**

A. **Oath of Office was administered by City Clerk Golden to the incoming Mayor John Rees**

B. **Passing of gavel to by former Mayor Quesinberry to incoming Mayor Rees**

The meeting gavel was passed to incoming Mayor John Rees by former Mayor Quesinberry who shared that it is an honor to pass the meeting gavel that he has used at City Commission meetings for the past 16 years. He shared that he and Mayor Rees have served on the Commission together. Mr. Quesinberry stated that with this gavel comes responsibility of which at the very least includes integrity, honesty, and sincerity towards all that come before him as part of the Commission.

Mayor Rees thanked Mr. Quesinberry and stated that it will be a very tough act to follow. Mayor Rees also stated that he has enjoyed working with Mr. Quesinberry and watching him perform all of his duties as Mayor and he hopes he can live up to everything that the former Mayor has accomplished.

C. **Plaque to former Mayor Quesinberry**

Mayor John Rees presented a plaque of appreciation to former Mayor Jack Quesinberry for his service to the City of Winter Garden from November 1991 to March 2008. Mr. Quesinberry gave thanks to his wife Gloria for all her support, City Manager Bollhoefer

for his assistance, former City Manager Hollis Holden for his vision for the City of Winter Garden when he was here, City Clerk Golden for all her willingness to help, Human Resource Director Frank Gilbert, Police Chief George Brennan, Fire Chief John Williamson, City Attorney Kurt Ardaman, and all of his family for their support all these years.

3. **REGULAR BUSINESS**

- A. **Resolution 08-07:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING THE RESULTS OF THE RUN-OFF ELECTION HELD ON FEBRUARY 26, 2008 FOR MAYOR/COMMISSIONER DISTRICT 5

City Attorney Ardaman read Resolution 08-07 by title only. City Clerk Golden read the results that Mack McLaughlin received 1,397 votes; John Rees received 2,037 votes and who has been duly elected as the new Mayor. **Motion by Commissioner Jowers to approve Resolution 08-07. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- B. **Recommendation to approve a site plan for Windward Cay Office Park Phase 3 with conditions** Planning Director Williams stated that staff recommends approval subject to the Engineering Department report and the City Attorney's memorandum included in the agenda package. Mayor Rees asked for a brief description of the property and its location. Mr. Williams replied that this is the third Phase of a planned development that is located at the corner of CR 535 and Tilden Road. He stated that it has been reviewed by the staff and is recommended with the conditions as stated. **Motion by Commissioner Boulter to approve site plan for Windward Cay Phase 3 with conditions (see attached). Seconded by Commissioner Sharman and carried unanimously 5-0.**

- C. **Recommendation to approve a site plan for Dillard Commons Planned Commercial Development with conditions** Planning Director Williams stated that this property is located north of State Road 50 on Dillard Street. It is a vacant parcel of land being proposed for development. The site plan has been reviewed by staff and they recommend approval. Presently it is proposed to be a mixture of office space with some retail. He stated that approval is recommended subject to those conditions. **Motion by Commissioner Jowers to approve site plan for Dillard Commons Planned Commercial Development with conditions (see attached). Seconded by Commissioner Boulter and carried unanimously 5-0.**

- D. **Recommendation to approve site plan for 1155 Elboc Way (Serta of North America new building addition of 7,200 SF) with conditions** Planning Director Williams stated that this property is on the south side of State Road 50 on Elboc Way close to the Portuguese Social Club. A 7,200 square foot building is being proposed in addition to the existing site which has already been developed. This site plan has been reviewed by staff and approval is recommended subject to the conditions. **Motion by Commissioner Buchanan to approve the site plan for 1155 Elboc Way**

(Serta of North America new building addition of 7,200 square feet) with conditions (see attached). Seconded by Commissioner Boulter and carried unanimously 5-0.

E. Recommendation to approve an agreement with Nodarse & Associates, Inc. for environmental, geotechnical and materials testing services

Public Services Director Cochran stated that staff is requesting postponement of this item to a future meeting because of a modification that needs to go back to consultant. **Motion by Commissioner Sharman to postpone an agreement with Nodarse & Associates, Inc. for environmental, geotechnical and materials testing services to a date uncertain. Seconded by Commissioner Jowers and carried unanimously 5-0.**

F. Recommendation to approve an agreement regarding impact fees of \$16,338 paid by the City on behalf of the Foundation Academy for their new campus concession stand and athletic field restrooms

City Manager Bollhoefer stated that at the last meeting the Commission requested that there be a written agreement between the Foundation Academy and the City. Foundation Academy just responded this afternoon and the agreement has been reviewed by the Recreation Director and the City Attorney. Mr. Bollhoefer stated that staff in general is in agreement but it does need legal work done. Because the City Commission has just received the material, the Commission could take action or it could be tabled until the next meeting. Mr. Bollhoefer stated that he does not believe the impact fees will be \$16,000 but will be somewhat less at around \$14,000. Mayor Rees asked if this item is tabled until the next meeting would it be enough time for City staff and the City Attorney to work out the details. City Attorney Ardaman responded yes. Commissioner Jowers offered that the City Commission could work this out or approve it subject to the conditions being worked out by City Staff because Foundation Academy needs to be able to proceed. Mr. Bollhoefer stated that time is of the essence for them and he believes the City Attorney and Recreation Director are both comfortable that they are close enough to working out the final details if the Commission decides to approve it subject to staff's finalizing the agreement.

Mr. David Stimmell with the Foundation Academy confirmed they are anxious to have the construction completed by their volunteers in time for the spring softball tournament which is important economically for them to maintain their fields.

Mayor Rees clarified that in principle everything has been agreed to. Mr. Bollhoefer responded yes, everything in principle has been agreed to put into writing that gives the City some guaranteed use of their fields. It needs to be written in a legal format to include some indemnification items the City Attorney has.

City Attorney Ardaman asked what the intended duration of the agreement is. Mr. Stimmell responded that it is their intention to work with the City, but it is hard to predict what the future will bring just in case there maybe another use for the fields, but they are very comfortable with a 10 year plan.

Mr. Bollhoefer stated that Foundation Academy's written offer is for ten years; each year would be reduced by 1/10th of what they owe. At the end of ten years the academy would have no responsibility to pay the impact fees. As a City, it is still our intention of moving forward with parks and recreation to work with Foundation Academy, County Public Schools, and Orange County because in the long run it will take a partnership effort in order to provide sufficient recreation in this area.

Commissioner Jowers suggested a ten-year period with annual renewals as in an evergreen clause; this will keep everyone informed. **Motion by Commissioner Jowers to approve, subject to negotiations, a 10-year agreement with the Foundation Academy for their impact fees so they can get started on their recreational project; this will allow two weeks for legal review by the City Attorney before bringing it back to the City Commission for final action. Seconded by Commissioner Sharman and carried unanimously 5-0.**

G. Recommendation to approve a construction contract for \$2,598,000 with Clancey & Theys Construction Inc., and a 25 year maintenance agreement in the amount of \$340,000 with Musco Lighting Inc., for the Southside Community Park located next to the City cemetery

Recreation Director Conn stated that this is the long awaited construction agreement for the Southside Park project. The City received three qualified bids and staff recommends approval. Mayor Rees asked if there were any penalties if they did not finish the project by a certain date. Mr. Conn responded that the bottom of bid includes a notation regarding the duration of the project is 240 days. Mr. Bollhoefer stated that he does not believe that a completion date was stipulated in the contract. Clancy & Theys is a company that the City has worked with and has had a very good experience with them completing their projects. In the past, the areas where there have been completion issues have been with roadwork projects. **Motion by Commissioner Buchanan to approve a construction contract for \$2,598,000 with Clancy & Theys Construction Inc. and a 25 year maintenance agreement in the amount of \$340,000 with Musco Lighting Inc., for the Southside Community Park located next to the City cemetery. Seconded by Commissioner Sharman and carried unanimously 5-0.**

H. Request authorization to spend \$30,634 from State Law Enforcement Trust Funds to purchase semi-automatic rifles and ammunition for the Police Department

Police Chief Brennan stated that he is requesting the use of \$30,634 from the trust fund to purchase semi-automatic rifles for the Police Department, which we currently do not have. Along with this request is the initial supply of ammunition. Total cost of these items is actually \$45,634 but a donation of \$15,000 was made by the Orlando Committee of 100. He explained that the trust fund money is confiscated money from drug dealers and such. If the City Commission approves this purchase, this will allow the purchase to be made without the use of any taxpayer dollars. **Motion by Commissioner Sharman to authorize the spending of \$30,634 from the State Law Enforcement Trust Funds to purchase semi-automatic rifles and ammunition for the Police Department. Seconded by Commissioner Boulder and carried unanimously 5-0.**

I. **Appointment of two members to the Code Enforcement / Nuisance Abatement Board for expiring terms of Ms. Pennington and Mr. Wright on March 1, 2008**

City Clerk Golden updated the City Commission by stating that applicant John Benoit, III has confirmed his interest in being considered for appointment after the agenda packages were distributed.

Mayor Rees asked if any of the Commissioners wanted to make a nomination and appoint them one at a time.

Commissioner Jowers asked if these appointments were district specific. Mr. Bollhoefer responded no. Mayor Rees stated that he asked the City Manager earlier and he noted that there was someone representing every district. **Motion by Commissioner Jowers to appoint Kent Makin to the Code Enforcement/Nuisance Abatement Board. Seconded by Commissioner Buchanan.**

Commissioner Boulter asked if the current two members requested reappointment. Mrs. Golden responded yes, both members have indicated they are willing to continue serving. **Commissioner Jowers withdrew his original motion and Commissioner Buchanan agreed to withdraw his second.**

Motion by Commissioner Jowers to reappoint Ms. Pennington and Mr. Wright to another term. Seconded by Commissioner Buchanan and carried unanimously 5-0.

4. **MATTERS FROM CITIZENS** – There were no items.

5. **MATTERS FROM CITY ATTORNEY** – There were no items.

6. **MATTERS FROM CITY MANAGER**

A. New Fire Department ladder truck – *this item was not addressed at this meeting.*

- Financial Statement for January 2008 was distributed.

- **Oakland Charter School Mentoring Program**

Mr. Bollhoefer introduced the Assistant Principal of Oakland Charter School Monica Edwards.

Ms. Edwards stated that the Oakland Charter School is a school of choice that is a neighborhood school serving all of the municipalities of the West Orange area. Their school is meeting the educational needs of their students through the help of active parents and community members. Their school has a strong focus on academics and character education. Their mentoring program is patterned after a very successful program currently in place at Tildenville Elementary School. Ms. Edwards shared that there are currently 15 students in need of a mentor and she is looking for caring individuals who can meet these needs by spending 30 minutes one day a week. During those 30 minutes the development base of a child is being established. Think of this base as the child's foundation meaning they will have a great foundation for success when

they reach middle school, high school, and college. She encouraged all those who can to participate in their mentoring program.

7. MATTERS FROM MAYOR AND COMMISSIONERS

A. Selection of Mayor Pro-Tem

Motion by Commissioner Buchanan nominating Commissioner Jowers as the Mayor Pro-Tem. Seconded by Commissioner Sharman and carried unanimously 5-0.

Commissioner Bouler stated that he had an opportunity to speak with Ms. Edwards at the Oakland Charter School and stated that with everything we say are happening with our young people in different parts of our community he thinks that we should spend a little time with a child who may just need a hug, a word of encourage, or something that might bring them out of what is being said they are always into. Children have a different mindset today than those we had when we were young. He encouraged everyone that this kind of help could positively affect our communities, our city, and possibly our nation.

Commissioner Buchanan stated that he thinks the City as a whole really came together and showed a lot of fortitude in bringing harmony throughout all of Winter Garden. He looks forward to working with everybody that is in here now and he thinks there will be good things going on for the City.

Mayor Rees stated that wanted to echo what Commissioner Bouler mentioned about how you just don't know how or when you may be touching the life of a child. He and his wife have been mentors for about ten to fifteen years at her school. The children are now older and they still remember the influence they've had on them. He encouraged those that have the opportunity to mentor to do so, because it is worthwhile and beneficial in the long run.

Mayor Rees thanked his wife, family, and friends that worked so hard on his campaign.

The meeting adjourned at 7:10 p.m.

APPROVED:

/S/
MAYOR JOHN REES

ATTEST:

/S/
City Clerk Kathy Golden, CMC